

REMARKS/ARGUMENTS

Claims 1-20 are currently pending.

The Office Action rejected claims 1-20 under 35 U.S.C. § 103 as obvious over U.S. patent 5,587,170 ("Caisey") in view of U.S. patent 4,954,532 ("Elliott") and further in view of U.S. patent 2,892,797 ("Alexander"). In view of the following comments, Applicant respectfully requests reconsideration and withdrawal of this rejection.

The Office Action has recognized that Caisey does not disclose a process of treating greasy skin, a silica/alumina composite filler, or a thickening hydrocolloid. (Office Action at page 3). The secondary references do not compensate for Caisey's fatal deficiencies.

Elliott relates to silanized silica, not the required silica/alumina composites.

Furthermore, Elliott discloses silanized silica gel produced as explained at column 1, lines 6-40, yielding silica particles having surface siloxy groups or polysiloxane coating. Because the silica particles are already surface-treated, it is not possible to apply Alexander's treatment to them -- it is not possible to substitute a silica atom with an aluminum atom because the linkages of the siloxy or polysiloxane groups on the surface of the silica particles would inhibit such substitution.

Also, because the particles in Elliott are substantially different from the particles in Caisey, one of ordinary skill in the art would not have been motivated to use Caisey's particles to treat greasy skin (following Elliott), let alone to modify Caisey's particles in the required manner before attempting to treat greasy skin. Alexander does not compensate for these deficiencies either as this reference is silent concerning treating greasy skin.

Moreover, one of ordinary skill in the art would not have been motivated to combine Caisey and Elliott for any reason -- Caisey requires film formation from his particles, and no indication exists that Elliott's particles would form a film, or if they did, that such particles would still possess Elliott's required oil adsorption properties. In other words, no motivation

would have existed to use Elliott's oil adsorbing particles in place of Caisey's film forming particles because such a substitution would presumably have altered the functioning of Caisey's compositions.

In sum, none of the applied art would have led one of ordinary skill in the art to use the required composites to treat the specified condition (greasy skin). In this regard, Applicant notes that Alexander issued in 1956, over 50 years ago. Yet, no one has ever used Alexander's composites to treat greasy skin. Such use of such composites surely could not have been obvious. It is only through hindsight, using the present application as a guide, that the idea of using the required composites to treat greasy skin can be cobbled together from the applied art.

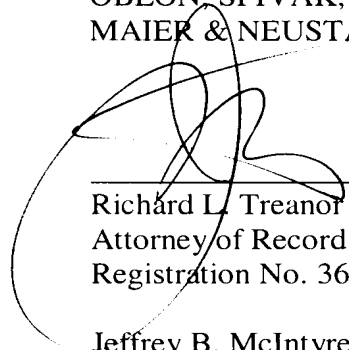
For all of the above reasons, Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C § 103.

Application No. 10/698,403
Reply to Office Action dated November 12, 2008

Applicant believes that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read "Richard L. Treanor", is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.

Richard L. Treanor
Attorney of Record
Registration No. 36,379

Jeffrey B. McIntyre
Registration No. 36,867

Customer Number

22850

Tel #: (703) 413-3000
Fax #: (703) 413-2220